

## CHAPTER 3. GROSS RECEIPTS TAX

### Section 6-3-1. Short title; purpose.

It is in the best interest of the Pueblo to levy a gross receipts tax for the purpose of raising public money to aid in defraying the necessary and ordinary expenses of the Pueblo for the provision of governmental services to all persons within the Reservation.

### Section 6-3-2. Definitions. [Repealed]

### Section 6-3-3. Pueblo tax districts.

There is hereby established within the Reservation four (4) tax districts: Cibola, Valencia, Sandoval and Bernalillo tax districts. These tax districts shall correspond to the boundaries of the Reservation located within each of these four (4) counties.

### Section 6-3-4. Imposition and rate of tax.

- A. Except as otherwise provided in this chapter, for the privilege of engaging in business on the Reservation, an excise tax on gross receipts, to be known as the Pueblo Gross Receipts Tax, is hereby imposed on any person engaging in business within the exterior boundaries of the Reservation at the following rates (effective July 1, 2010):

Cibola Tax District	6.6875 percent
Valencia Tax District	6.3750 percent
Bernalillo Tax District	6.0625 percent
Sandoval Tax District	6.2500 percent

- B. The rates established in section 6-3-4.A shall be adjusted automatically to correspond to the total gross receipts, sales or similar tax rate imposed by the State of New Mexico and any local option tax districts of the State of New Mexico located within the applicable county and outside of any municipality. Rates in effect during prior time periods are available from the Division.

### Section 6-3-5. Gross receipts tax credit.

- A. If a gross receipts, sales or similar tax has been levied by the State of New Mexico or a political subdivision thereof on a taxable transaction taking place on the Reservation, the amount of the state tax may be credited against any gross receipts tax due the Pueblo in the amount equal to the lesser of twenty-five (25) percent of the Pueblo gross receipts tax or twenty-five (25) percent of tax revenue produced by the

sum of the rate of tax imposed under the New Mexico Gross Receipts and Compensating Tax Act and the total of the rates of the local option gross receipts taxes imposed on the receipts from the same transaction; provided that the New Mexico Gross Receipts and Compensating Tax Act allows a credit of the lesser of seventy-five (75) percent of the tax imposed on the Pueblo on the receipts from the transaction or seventy-five (75) percent of the tax revenue produced by the sum of the rate of tax imposed pursuant to the Gross Receipts and Compensating Tax Act and the total of the rates of local option gross receipts taxes imposed on the receipts from the same transaction.

- B. The division may enter into a cooperative agreement with the Secretary of the New Mexico Department of Taxation and Revenue to carry out the provisions of this chapter. Such cooperative agreement shall be signed by the Governor.

#### **Section 6-3-6. Exemptions.**

Receipts from the following transactions are exempt from the tax imposed by this chapter:

- A. Sales of livestock or agricultural goods;
- B. Sales of tobacco products;
- C. Sales or leases of tangible personal property and the performance of services by the Pueblo, its governmental entities and political subdivisions, and Pueblo-owned businesses;
- D. Sales or leases of tangible personal property to, and the performance of services other than commercial construction services for, the Pueblo, its governmental entities and political subdivisions, and Pueblo-owned businesses, except as provided in section 6-3-6.E;
- E. Sales or leases of tangible personal property to, and the performance of services including commercial construction services for, any of the villages;
- F. Sales of natural gas, electricity, heat, coal, fuel oil or other fuels sold or furnished for residential or commercial use;
- G. Leasing or rental of real property for residential purposes, including mobile home lots;
- H. Sales of water;
- I. Sales of authentic Pueblo arts and crafts;

- J. Sales of groceries and food stuff at grocery stores dedicated primarily to selling food stuffs; this does not include the sale of prepared meals in a restaurant or eating facility, or the sales of groceries and other items at convenience stores associated with gas stations;
- K. Sales of tangible personal property at wholesale for later resale;
- L. Sales of tangible personal property by itinerant vendors;
- M. Sales of construction material and the performance of construction services for incorporation into the buyer's residence;
- N. Sales or leases of tangible personal property by, or the performance of any service by, the United States, the State of New Mexico, or any political subdivision of the United States or the State of New Mexico;
- O. Performance of personal services by an employee for his/her employer;
- P. Performance of medical services;
- Q. Isolated or occasional sales or leases of tangible personal property or performance of a service by a person who is not regularly engaged in the business of selling or leasing the same or similar property or performing the same or similar service; and
- R. Sales of tangible personal property for use by the buyer in the manufacture of jewelry or pottery, as an ingredient or component part of the jewelry or pottery.

**Section 6-3-7. Vending machine sales and installment sales.**

- A. The Division shall require a vendor to pay the tax imposed by this chapter upon sales made through vending machines and similar devices.
- B. In the case of installment sales of tangible personal property, the vendor shall collect and remit the tax imposed by this chapter upon the principal amount of each installment of the purchase price at the time the installment is paid.

**Section 6-3-8. Assessments; penalties. [Repealed]**

**Section 6-3-9. Tax return; payment of tax; records.**

- A. Except as provided in subsection F of this section, every vendor who has taxable gross receipts during a calendar month shall, on or before the 25th day of the month following the end of the month in which the taxable receipts are received, file with the

division a return setting forth the amount of gross receipts from engaging in business on Reservation land, the amount of exempt gross receipts, the amount of taxable gross receipts, the amount of gross receipts tax due thereon, and such other information as the division may require. The vendor shall sign the return and shall affirm the accuracy of the information in the return. A vendor who has no taxable gross receipts during a calendar month shall not be required to file any gross receipts tax report as to that month.

- B. The gross receipts tax as computed in the return shall be based upon the total taxable receipts received during the month, less any amounts refunded to the purchaser upon cancellation of a sale. The return shall compute the gross receipts tax on the purchase price, excluding gross receipts taxes imposed by the State of New Mexico for which a reciprocal exclusion has been granted by the state.
- C. Except as provided in subsection F of this section, every vendor shall pay the gross receipts tax due on or before the 25th day of the month following the end of the month in which the taxable receipts are received, and such payment shall accompany the return for that reporting period.
- D. Each vendor engaging in any taxable transaction under this chapter shall:
  - (1) Keep and preserve for three (3) years, records of all taxable sales and leases made by the vendor and other books or accounts necessary to determine the amount of tax due under this chapter; and
  - (2) Open all such records for examination at any time by the director or its duly authorized representative or agent.
- E. The Division is authorized to establish alternative procedures for the collection and distribution of taxes that are subject to the tax credit specified in section 6-3-5 of this chapter.
- F. The Division may authorize a vendor to file tax returns and pay taxes on a quarterly or semi-annual basis, upon written request of the vendor, if the vendor's monthly taxable gross receipts are less than one thousand dollars (\$1,000.00).

**Section 6-3-10. Administration. [Repealed]**

**Section 6-3-11. Tax lien. [Repealed]**

**Section 6-3-12. Tax protest. [Repealed]**

**Section 6-3-13. Use of tax proceeds.**

All unprotested taxes and other monies received by the Division shall be deposited in the general fund to be budgeted by the Pueblo Council and expended for the purpose of defraying the necessary and ordinary governmental expenses of the Pueblo.

**Section 6-3-14. No waiver of sovereign immunity. [Repealed]**

**CHAPTER 4. GASOLINE AND GASOLINE INVENTORY TAX**

**Section 6-4-1. Definitions. [Repealed]**

**Section 6-4-2. Imposition of gasoline tax.**

- A. For the privilege of engaging in business as a gasoline retailer within the Reservation, there is imposed an excise tax at the rate of seventeen cents (\$0.17) per gallon, on each gallon of gasoline sold within the Reservation by the retailer.
- B. The tax imposed by this chapter may be called the "gasoline tax".

**Section 6-4-3. Deductions.**

In computing the gasoline tax due, the retailer may deduct from the total amount of gasoline sold within the Reservation.

- A. Gasoline exported from the Reservation other than in the fuel supply tank of a motor vehicle.
- B. Gasoline sold to the Pueblo or any political subdivision, agency or instrumentality of the Pueblo for the exclusive use of the Pueblo, or its political subdivision, agency or instrumentality, including all gasoline delivered into the fuel supply tank of a motor vehicle registered in the name of the Pueblo or its political subdivision, agency or instrumentality. For purposes of this subsection, a business enterprise of the Pueblo shall not be considered an agency or instrumentality of the Pueblo.
- C. Gasoline lost or destroyed by fire or unavoidable accident while in the possession of retailer.
- D. Gasoline sold to the United States or any agency or instrumentality thereof for the exclusive use of the United States or any agency or instrumentality thereof, including gasoline delivered into the fuel supply tank of a vehicle registered in the name of the